

**Remarks**

**A. Pending Claims**

Claims 35-37, 39-47, and 49-52 are currently pending. Claims 35, 36, 40, and 43-47 are rejected. Claim 35 has been amended. Claim 48 has been cancelled. Claims 37, 39, 41, 42, and 48-52 are objected to.

**B. The Claims Are Not Anticipated By Gullen Pursuant To 35 U.S.C. § 102(b)**

The Examiner rejected claims 35, 36, 40, and 43-45 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 3,890,970 to Gullen ("Gullen"). Applicant respectfully disagrees with these rejections.

In the Office Action, the Examiner states:

Gullen discloses a catheter comprising a catheter body 11, connected to a hollow support member 16 and a collapsible lumen at the distal portion of the catheter. The apertures 25 are disposed on the collapsible lumen.

Claim 35 describes a combination of features including: "wherein the catheter body comprises a rigid member with a proximal and a distal end, and wherein the proximal end of the support member is coupled to the distal end of the rigid member." At least the above-quoted feature of the claim, in combination with other features of the claim, does not appear to be taught or suggested by the cited art. Applicant submits that the combination of features in claim 35 and the claims dependent thereon are neither taught nor suggested by the cited art. Applicant respectfully requests removal of the rejection of claim 35 and the claims dependent thereon.

**C. The Claims Are Not Anticipated By Christopher Pursuant To 35 U.S.C. § 102(b)**

The Examiner rejected claims 35, 36, 40, and 43-45 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,571,241 to Christopher ("Christopher"). Applicant respectfully disagrees with these rejections.

In the Office Action, the Examiner states:

Christopher discloses a catheter with a collapsible tube at the distal end with a plurality of apertures and a tapered diameter towards the distal end. The support tube 14 and a catheter body 17 are structurally connected as claimed.

Claim 35 describes a combination of features including: "wherein the catheter body comprises a rigid member with a proximal and a distal end, and wherein the proximal end of the support member is coupled to the distal end of the rigid member." At least the above-quoted feature of the claim, in combination with other features of the claim, does not appear to be taught or suggested by the cited art. Applicant submits that the combination of features in claim 35 and the claims dependent thereon are neither taught nor suggested by the cited art. Applicant respectfully requests removal of the rejection of claim 35 and the claims dependent thereon.

**D. The Claims Are Not Obvious over Gullen or Christopher in View of Wesner Pursuant To 35 U.S.C. § 103(a)**

The Examiner rejected claims 46 and 47 under 35 U.S.C. 103(a) as obvious over Gullen or Christopher. Applicant respectfully disagrees with these rejections.

In the Office Action, the Examiner states:

Gullen or Christopher discloses the invention as substantially claimed. See above. However, Gullen/Christopher does not disclose the openings to be slits or v-shaped slits. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shapes of the openings as a mere design choice lacking any critically or unexpected results. The openings would have performed in the same equivalent manner.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). For at least the reasons in Sections B and C above, Applicant submits that the cited art does not appear to teach or suggest the combination of features in claims 46 and 47. Applicant requests removal of the obviousness rejection of the claims.

**E. Claim 35 has been Amended to Include Features from Dependent Claim 48**

In the Office Action, the Examiner stated that claims 37, 39, 41-42, and 48-52 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 35 has been amended to include features from dependent claim 48. As such, Applicant submits that claim 35, and the claims dependent thereon, are in condition for allowance.

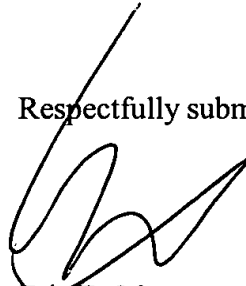
**F. Conclusion**

Applicant submits that the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Inventors: Suresh et al.  
Appl. Ser. No.: 09/707,487  
Atty. Dkt. No.: 5838-00400

Applicant believes that no fees are due in association with the filing of this and accompanying documents. If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5838-00400/EBM.

Respectfully submitted,



Eric B. Meyertons  
Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. Box 398  
AUSTIN, TX 78767-0398  
(512) 853-8800 (voice)  
(512) 853-8801 (facsimile)

Date: 3/30/04